

**STATE OF KANSAS  
BEFORE THE DIVISION OF WATER RESOURCES  
KANSAS DEPARTMENT OF AGRICULTURE**

**IN THE MATTER OF:**

Wichita County Water Conservation Area )  
Wichita County, KS )

Water Right File Nos. 13,048

**CONSENT AGREEMENT TO PARTICIPATE IN THE WICHITA COUNTY  
WATER CONSERVATION AREA**

**The Wichita County Water Conservation Area**

The Chief Engineer of the Kansas Department of Agriculture, Division of Water Resources ("Chief Engineer") and a group of water right owners, in Wichita County, Kansas have conferred in good faith and have reached an agreement on the designation of the Wichita County Water Conservation Area ("WCWCA"), pursuant to K.S.A. 82a-745.

On March 7, 2017 the WCWCA was created by order of the Chief Engineer.

This document and its addendum, all previous amendments to the order designating the WCWCA approved by the Chief Engineer, and attached WCWCA Management Plan, as amended by the participants and the Chief Engineer, serves as a consent agreement among the Chief Engineer and the undersigned water right owner(s) to enroll water rights in the Wichita County Water Conservation Area ("WCWCA") and to be bound by the terms and conditions of the WCWCA Management Plan, as amended.

**Term of Agreement**

The term of this agreement is seven (7) years. This agreement will automatically renew for seven (7) additional years pursuant to the terms of the WCWCA Management Plan, as amended, unless the participant(s) submits a request to forgo renewal.

**Corrective Control Provisions and Plan for Conservation**

The attached WCWCA Management Plan, as amended, is incorporated and made part of this agreement, and sets forth the corrective control provisions and plan for conservation, rules for establishing water allocations and for using water while participating in the WCWCA.

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### **Addendum to this Agreement**

The attached addendum is incorporated and made a part of this agreement, and includes these features for each water right subject to this agreement:

1. Agreement of years of participation.
2. All points of diversion and associated water right files numbers.
3. All places of use by legal location description.
4. A map of the boundaries of each management unit, locations of each point of diversion place of use, and approximate locations of any water pipelines.
5. Summary of water use history, 2009-2015, of participating water rights/points of diversion.
6. Summary of Annual Quantity of Permissible Groundwater Withdrawal, as defined in the WCWCA Management Plan, for the seven-(7) year term of the consent agreement.

A new addendum will be prepared and signed by participants and the Chief Engineer for subsequent renewal periods consistent with the terms herein and the WCWCA Management Plan, as amended.

### **Participant's Agreement**

This agreement is fair and equitable.

This agreement, entered into by the Chief Engineer and participants, is the expressed written intent of the parties and the whole agreement between the parties.

The provisions of this agreement shall be construed to give effect to the provisions of the WCWCA Management Plan, as amended.

This agreement may be modified as set forth in the terms of the WCWCA Management Plan, as amended, and pursuant to written agreement of the participants and the Chief Engineer.

This agreement shall be applied to and enforceable against any and all heirs, assigns, purchasers, or successors-in-interest, unless the participants and Chief Engineer otherwise agree pursuant to modifications hereto. A copy of this agreement and Order Designating a WCA shall be filed with the register of deeds in Wichita County.

Pursuant to the Kansas Administrative Procedure Act, K.S.A. 77-501 *et seq.*, the Kansas Judicial Review Act, K.S.A. 77-601, *et seq.* or by any other applicable Kansas law, participants waive all rights to a hearing on or appeal of this agreement and Order Designating a Water Conservation Area.

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**FOR THE PARTICIPANTS:** The participating water right owner has signed below, affirming his/her consent to the designation of the Water Conservation Area described herein.

Craig L Miller - Partner Date: 4.27.2018  
**TRIPLE C FARMS, Owner (Signature)**

Water Right No(s). 13,048

CRAIG L MILLER, BOX 661 SCOTT CITY, KS 67871

Full Mailing Address

\_\_\_\_\_  
Email Address

\_\_\_\_\_  
Phone Number

**ACKNOWLEDGMENT OF NOTARY**

State of Kansas )

County of FENNER ) SS

Acknowledged before me on 27 April 2018

by CRAIG L MILLER

Signature: [Signature]  
Notary Public



My commission expires \_\_\_\_\_  
(Notary Seal)

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Division of Water Resources

FOR THE KANSAS DEPARTMENT OF AGRICULTURE:

David W. Barfield  
David Barfield P.E.  
Chief Engineer  
Division of Water Resources  
Kansas Department of Agriculture

ACKNOWLEDGMENT OF NOTARY

State of Kansas )  
 ) SS  
County of Riley )  
Acknowledged before me on 5/2/2018  
by David W. Barfield  
Signature: Karen Hunter  
Notary Public

My commission expires: \_\_\_\_\_  
(Notary Seal)



**CERTIFICATE OF SERVICE**

I hereby certify that on this \_\_\_\_\_ day \_\_\_\_\_ of 20\_\_\_\_, copies of the foregoing were sent via first class, U.S. mail, to the following:

Triple C Farms  
Craig L Miller  
Box 661  
Scott City, KS 67871



Copies furnished electronically to:  
Groundwater Management District No. 1  
Water Commissioner, Garden City Field Office

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\_\_\_\_\_  
Kansas Department of Agriculture  
Staff Person



# ADDENDUM TO THE WICHITA COUNTY WATER CONSERVATION AREA CONSENT AGREEMENT AND ORDER

WCA Beginning Year: 2017 WCA Ending Year: 2023 WCA Total Years: 7.

All listed water rights will be designated as a management unit: NO

WR#(s): 13,048

Use Made of Water (Circle): Irrigation

Overlapping water right(s) on any points of diversion (well): NONE

### Authorized Point of Diversion Water Right # 13,048

One well located in the S2 Quarter of the S2 Quarter of the NW Quarter (S2 $\frac{1}{4}$ S2 $\frac{1}{4}$ NW $\frac{1}{4}$ ) of Section **30**, Township **16** South, Range **35** West, Wichita County, Kansas. The second well located in Section **30**, Township **16** South, Range **35** West, Wichita County, Kansas.

### Authorized Place of Use:

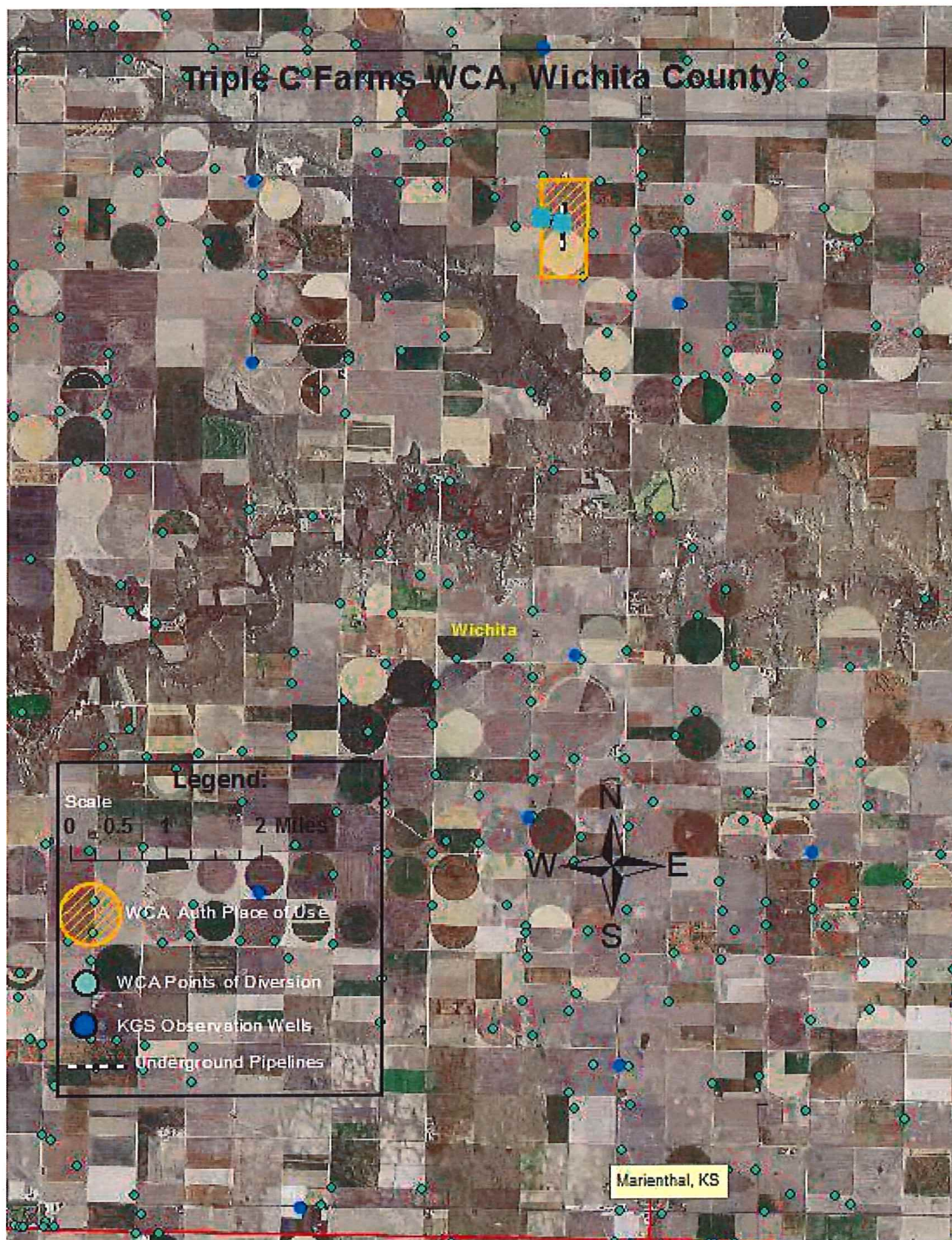
S	T	R	NE $\frac{1}{4}$ (acres)				NW $\frac{1}{4}$ (acres)				SW $\frac{1}{4}$ (acres)				SE $\frac{1}{4}$ (acres)				Total Acres
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
30	16	35					40	40	40	40	40	40	40	40					320

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**KDA-DWR Map indicating WCA/Management Area Boundary, Point(s) of Diversion, Place(s) of Use, and Existing Pipelines as of 4/27/2018**



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**WCWCA 2009-2015 Water Use History**

WR#	ID#
13048	4
Base WR Allocation	
320	AF
Year	AF Used
2009	171.75
2010	202.19
2011	191.96
2012	286.00
2013	130.56
2014	143.40
2015	122.22

Total Use 1248.080 AF

Ave Use 178.297 AF

\*Notes:

WR#	ID#
13048	3
Base WR Allocation	
320	AF
Year	AF Used
2009	172.16
2010	258.55
2011	194.70
2012	205.93
2013	170.73
2014	80.59
2015	165.09

Total Use 1247.752 AF

Ave Use 178.250 AF

\*Notes:

**2009-2015 Total Water Use**

2495.832 AF

**Average Water Use of all listed WR's:**

356.547 AF

**WCWCA Annual Quantity of Permissible Groundwater Withdrawal:  
For Enrollment in 2017**

<u>Allocation Year</u>	<u>Reduction %</u>	<u>Yrs Remaining in Reduction %</u>	<u>Factor</u>	<u>WCA Allocation (AF)</u>
2017	29%	7	0.71	506.297
2018	29%	6	0.71	253.149
2019	29%	5	0.71	253.149
2020	29%	4	0.71	253.149
2021	29%	3	0.71	253.149
2022	29%	2	0.71	253.149
2023	29%	1	0.71	0.000

**Total 7-Year Permissible Groundwater Withdrawal (AF) = 1772.041**

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**FOR THE PARTICIPANTS:** By signing this addendum, I the undersigned, hereby agree to participate in the Wichita County Water Conservation Area (WCWCA) in Wichita County, Kansas. I will hold myself accountable to the allocation(s) listed in this addendum as part of this Water Conservation Area (WCA). I have read the Wichita County WCA Consent Order and Agreement in its entirety. I agree to abide to the rules and regulations stated within the Wichita County WCA Consent Order and Agreement and requirements of this addendum.

Craig L Miller - Partner Date: 4-27-2018

**TRIPLE C FARMS, Owner (Signature)**

Water Right No(s). 13,048

Craig L Miller, Box 661 Scott City, KS 67871

Full Mailing Address

\_\_\_\_\_  
Email Address

\_\_\_\_\_  
Phone Number

**ACKNOWLEDGMENT OF NOTARY**

State of Kansas )  
County of FINNEY ) SS

Acknowledged before me on 27 April 2018

by CRAIG L. MILLER

Signature: [Signature]  
Notary Public

My commission expires [Signature]  
(Notary Seal)



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Garden City Field Office  
Division of Water Resources

**FOR THE KANSAS DEPARTMENT OF AGRICULTURE:**

David W Barfield

David Barfield P.E.  
Chief Engineer  
Division of Water Resources  
Kansas Department of Agriculture

**ACKNOWLEDGMENT OF NOTARY**

State of Kansas                     )  
  ) SS  
County of  Riley                      )

Acknowledged before me on  5/2/2018   
by  David W. Barfield

Signature:  Karen Hunter   
Notary Public

My commission expires: \_\_\_\_\_

(Notary Seal)



**CERTIFICATE OF SERVICE**

I hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, copies of the foregoing were sent via first class, U.S. mail, to the following:

Triple C Farms  
Craig L Miller  
Box 661  
Scott City, KS 67871

Copies furnished electronically to:

Groundwater Management District No. 1

Water Commissioner, Garden City Field Office

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Division of Water Resources**

\_\_\_\_\_  
Kansas Department of Agriculture  
Staff Person

**WAIVER REQUEST TO EXTEND THE WICHITA COUNTY WATER CONSERVATION  
AREA 2017 SIGNUP DEADLINE**

**Water Right, File Nos.** 13048

Page 12 of the Wichita County Water Conservation Area Management Plan under the Participant Addition, Withdrawal, and Removal section states, "Participants may apply for entry into the Wichita County Water Conservation Area at any time. All WCA Agreements shall be effective beginning January 1 of the calendar year following the year of application or prior to October 1 of the calendar year when the application is submitted."

This is a formal request that the Wichita County Water Conservation Area Interim Board and Chief Engineer waive the above deadline of October 1<sup>st</sup>, 2017. I would like to be considered for the Wichita County Water Conservation Area with 2017 as my first year of participation. If accepted, I will submit my application and Consent Agreement and Order to the Chief Engineer before May 1, 2018.

By signing this waiver, I the undersigned, hereby request to participate in the Wichita County Water Conservation Area (WCWCA) in Wichita County, Kansas and request to waive the October 1, 2017 signup deadline to begin participation in 2017. I agree to abide by the rules and regulations stated within the Wichita County WCA should my waiver be accepted and I submit the necessary paperwork to the Chief Engineer by May 1, 2018.

Chris Buckley, Partner Date: 04/20/18  
Owner Name, Owner (Signature)

11840 S. Juniper Rd Scott City, KS 67871  
Full Mailing Address

coz@wksnet.org 620-214-1411  
Email Address Phone Number

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**WICHITA COUNTY WATER CONSERVATION AREA INTERIM BOARD WAIVER  
REQUEST REVIEW**

☒ The Wichita County Water Conservation Area Interim Board approves and recommends this waiver of the October 1, 2017 signup deadline for participation beginning on January 1, 2017 for the following reasons:

*Demonstrated water conservation in 2017 and  
request to enroll.*

☐ The Wichita County Water Conservation Area Interim Board does not approve and recommend this waiver of the October 1, 2017 signup deadline for participation beginning on January 1, 2017 for the following reasons:

**FOR THE WICHITA COUNTY WCA INTERIM BOARD:** By signing, I the undersigned, hereby submit the recommendations of the attached waiver to the Chief Engineer on behalf of the Wichita County Water Conservation Area Interim Board.

*[Signature]* Secretary Date: 4/20/2018  
Board Member Name/Position, Wichita County WCA Interim Board Member (Signature)

\_\_\_\_\_  
Email Address

\_\_\_\_\_  
Phone Number

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